

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 118 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

- 1 Page 16, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 19. IC 36-8-12-8 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) The policy
- 4 of insurance required by section 6 of this chapter must provide for the
- 5 payment of a sum not less than one hundred fifty thousand dollars
- 6 (\$150,000) to the beneficiary, beneficiaries, or estate of a volunteer
- 7 firefighter if the firefighter dies from an injury or smoke inhalation
- 8 occurring while in the performance of the firefighter's duties as a
- 9 volunteer firefighter or from a cardiac disease event proximately
- 10 caused within forty-eight (48) hours by or occurring while in the
- 11 performance of the firefighter's duties as a volunteer firefighter.
- 12 (b) The policy of insurance must provide for the payment of a sum
- 13 not less than one hundred fifty thousand dollars (\$150,000) to the
- 14 volunteer firefighter if the firefighter becomes totally and permanently
- 15 disabled for a continuous period of not less than two hundred sixty
- 16 (260) weeks as a result of an injury or smoke inhalation occurring in
- 17 the performance of the firefighter's duties as a volunteer firefighter.
- 18 (c) The policy of insurance must also provide for indemnification
- 19 to a member of a volunteer fire department who becomes partially and
- 20 permanently disabled or impaired as a result of an injury or smoke
- 21 inhalation occurring in the performance of the firefighter's duties.
- 22 (d) For the purposes of this section, partial and permanent
- 23 disability or impairment shall be indemnified as a percentage factor of
- 24 a whole person.
- 25 (e) In addition to other insurance provided volunteer firefighters

1 under this chapter, each unit shall be covered by an insurance policy  
2 that provides a minimum of ~~three~~ **five** hundred thousand dollars  
3 (~~\$300,000~~) (**\$500,000**) of insurance coverage for the liability of all of  
4 its volunteer firefighters for bodily injury or property damage caused  
5 by the firefighters acting in the scope of their duties while on the scene  
6 of a fire or other emergency. The civil liability of a volunteer firefighter  
7 for:

8 (1) an act that is within the scope of a volunteer firefighter's  
9 duties; or

10 (2) the failure to do an act that is within the scope of a volunteer  
11 firefighter's duties;

12 while performing emergency services at the scene of a fire or other  
13 emergency or while traveling in an emergency vehicle from the fire  
14 station to the scene of the fire or emergency or from the scene of a fire  
15 or emergency back to the fire station is limited to the coverage  
16 provided by the insurance policy purchased under this subsection. A  
17 volunteer firefighter is not liable for punitive damages for any act that  
18 is within the scope of a volunteer firefighter's duties. However, if  
19 insurance as required under this subsection is not in effect to provide  
20 liability coverage for a volunteer firefighter, the firefighter is not  
21 subject to civil liability for an act or a failure to act as described in this  
22 subsection.

23 SECTION 20. IC 36-8-12-15 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The combined  
25 aggregate liability of a volunteer fire department for an act or failure to  
26 act that is within the scope of the department's duties does not exceed  
27 ~~three~~ **five** hundred thousand dollars (~~\$300,000~~) (**\$500,000**) for injury  
28 to or death of one (1) person in any one (1) occurrence and does not  
29 exceed five million dollars (\$5,000,000) for injury to or death of all  
30 persons in that occurrence. A volunteer fire department is not liable for  
31 punitive damages."

32 Renumber all SECTIONS consecutively.

(Reference is to ESB as printed February 17, 2000.)

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Representative KROMKOWSKI